

APPLICANT(S): GLUKHOVSKY, Aikady et al.  
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**REMARKS**

Applicants have carefully studied the Final Office Action. This paper is intended to be fully responsive to all points of rejection and objection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

**Status of Claims**

Claims 1-12 are pending in the application. Claims 1-4 and 7-9 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

**Telephone Interview**

Applicants would like to thank Examiner Stanley Pruchnic for the courtesy of the telephonic interview with Caleb Pollack, an attorney of record, a representative of the Assignee, on June 20, 2005.

During the interview, the Examiner suggested that Applicants file a Request for Continued Examination (RCE) together with a response to the Office Action. The Examiner also indicated that amendments to the claims, as reflected above, would be considered and may be allowable. A final agreement on the patentability of the claims was not reached.

**Voluntary Amendment to Specification**

Applicants have voluntarily made amendment to the specification so that the acronym "CMOS" is clearly defined as "Complementary Metal Oxide Semiconductor", which is well known in the art. It is respectfully submitted that the amendment adds no new matter.

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**35 U.S.C. § 112 Objections**

In the Office Action, the Examiner objected to claims 1-4 and 7-10 for various informalities.

Applicants have corrected the informalities according to the Examiner's suggestions.

However, Applicants have not amended claim 10 to define the acronym CMOS, as suggested by the Examiner, since the amendment to the specification has made this objection moot.

**35 U.S.C. § 103 Rejections**

In paragraph 4 of the Office Action, the Examiner rejected claims 1 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Kuranishi (US Patent No. 6,641,529B2) in view of List (US Patent No. 3,882,384A). In paragraph 5 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Kuranishi and List further in view of Krill (US Patent Application Pub. No. US 2004/0122315A1).

In the June 20, 2005 interview, Applicants' representative and the Examiner discussed amendments that would possibly overcome the Examiner's prior art rejections. These amendments have been made above. Applicants' amended claim 1 recites, *inter alia*, "calculating the temperature change *in vivo* according to the comparison". It is respectfully submitted that at least this feature recited by amended claim 1 is not described, taught, suggested, or implied by either Kuranishi, List, or Krill, or by any other prior art references on record, alone or in combination. Therefore, Applicants respectfully submit that claim 1 is patentable over the prior art references on record.

Claims 5-6 depend directly from amended claim 1 and include all the features of claim 1 as well as additional distinguishing features of the invention. Therefore, Applicants respectfully submit that claims 5-6 are patentable at least for the same reason as discussed above for claim 1.

In view of the above, Applicants respectfully request that the rejections of claims 1 and 5-6 under 35 U.S.C. § 103(a) be withdrawn.

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In paragraph 6 of the Office Action, the Examiner rejected claims 2 and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Kuranishi in view of List.

As discussed in the June 20, 2005 interview, Applicants have made amendments that Applicants assert overcome the Examiner's prior art rejections. Amended claim 2 recites, *inter alia*, "calculating the temperature change *in vivo* according to the changes". It is respectfully submitted that at least this feature recited by amended claim 2 is not described, taught, suggested, or implied by Kuranishi, List, or Krill, or by any other prior art references on record, alone or in combination. Therefore, Applicants respectfully submit that claim 2 is patentable over the prior art references on record.

Claims 7-8 depend directly from amended claim 2 and include all the features of claim 2 as well as additional distinguishing features of the invention. Therefore, Applicants respectfully submit that claims 7-8 are patentable at least for the same reason as discussed above for claim 2.

In view of the above, Applicants respectfully request that the rejections of claims 2 and 7-8 under 35 U.S.C. § 103(a) be withdrawn.

In paragraph 8 of the Office Action, the Examiner rejected claims 3 and 9-10 under 35 U.S.C. § 103(a) as being unpatentable over List in view of Krill.

As discussed in the June 20, 2005 interview, Applicants have made amendments that Applicants assert overcome the Examiner's prior art rejections. Amended claim 3 recites, *inter alia*, "determining a change in temperature *in vivo* according to the dark current data samples". It is respectfully submitted that at least this feature recited by amended claim 3 is not described, taught, suggested, or implied by either Kuranishi, List, or Krill, or by any other prior art references on record, alone or in combination. Therefore, Applicants respectfully submit that claim 3 is patentable over the prior art references on record.

Claims 9-10 depend directly from amended claim 3 and include all the features of claim 3 as well as additional distinguishing features of the invention. Therefore, Applicants respectfully submit that claims 9-10 are patentable at least for the same reason as discussed above for claim 3.

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In view of the above, Applicants respectfully request that the rejections of claims 3 and 9-10 under 35 U.S.C. § 103(a) be withdrawn.

In paragraph 7 of the Office Action, the Examiner rejected claims 4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Kuranishi in view of List.

As discussed in the June 20, 2005 interview, Applicants have made amendments that Applicants assert overcome the Examiner's prior art rejections. Amended claim 4 recites, *inter alia*, "determining a change in temperature in-vivo according to the dark current data samples". It is respectfully submitted that at least this feature recited by amended claim 4 is not described, taught, suggested, or implied by either Kuranishi, List, or Krill, or by any other prior art references on record, alone or in combination. Therefore, Applicants respectfully submit that claim 4 is patentable over the prior art references on record.

Claims 11-12 depend directly from amended claim 4 and include all the features of claim 4 as well as additional distinguishing features of the invention. Therefore, Applicants respectfully submit that claims 11-12 are patentable at least for the same reason as discussed above for claim 4.

In view of the above, Applicants respectfully request that the rejections of claims 4 and 11-12 under 35 U.S.C. § 103(a) be withdrawn.

#### Conclusion

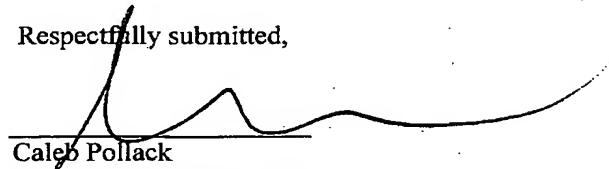
For at least the foregoing reasons, the pending claims 1-12 are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Response and Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due in connection with this paper. However, if any such fees are due, please change such fees to deposit account No. 50-3355.

Respectfully submitted,

  
Caleb Pollack  
Attorney for Applicant(s)  
Registration No. 37,912

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**Pearl Cohen Zedek Latzer, LLP**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3489